

## STATE OF MISSISSIPPI

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**To:** USPTO PATENT CENTRAL FACSIMILE NUMBER

**FAX # :** (571) 273-8300

**FROM:** Larry A. Schemmel

**DATE:** 03-23-2006

**# OF PAGES:** 21, INCLUDING FAX COVER SHEET

**RE:** RESPONSE TO OFFICE COMMUNICATION DATED 03/03/2006  
REGARDING A NON-COMPLIANT AMENDMENT DOCUMENT

PATENT APPLICATION NO. 10/791,310

## MESSAGE:

**PLEASE SEE THE ENCLOSED DOCUMENTS: 2 PAGES - COVER LETTER;**  
**1 PAGE - TRANSMITTAL FORM PTO/SB/21;**  
**17 PAGES - AMENDMENT AND RESPONSE.**

**IF THERE ARE ANY QUESTIONS, PLEASE CONTACT ME AT (601) 359-7600 OR BY FACSIMILE AT (601) 359-7774.**

THANK YOU.

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March 23, 2006

**BY FACSIMILE ONLY sent to (571) 273-8300**

Assistant Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Re: Response to an Office Communication dated 03/03/2006 Regarding a  
Non-Compliant Amendment Document

Title: Food Compositions Comprising Waterleaf Leaves and Methods  
of Using Thereof

Application No.: 10/791,310  
Filing Date: 03-01-2004  
Inventors: Ezekwe, Michael O., et al.  
Group Art Unit: 1655  
Examiner: McCormick-Ewoldt, Susan B.  
Attorney Docket No.: 2004-01

SIR:

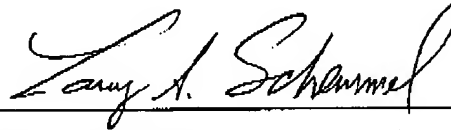
Enclosed is a Response to an Office communication dated 03/03/2006 regarding a Non-Compliant Amendment Document pursuant to instructions provided by the Office communication from and a telephone conversation with Legal Instruments Examiner Ms. Katrina Turner on March 6, 2006. Please accept the enclosed modified Amendment and Response to the Office Action in the above-referenced patent application to comply with the Office's instructions and the requirements of 37 CFR §§ 1.121 or 1.4.

Please also accept for filing all other original documents received by the Office on February 22, 2006, including the Transmittal Form, Petition for Extension of Time, Extension of Time fee check of \$510, Petition to Correct Inventorship, Statement of Edith I. Ezekwe, new Declaration under 37 CFR § 1.63, processing fee check of \$130 under 37 CFR § 1.17(i), Statement Under 37 CFR § 3.73(b), additional original Power of Attorney, and copy of an additional Assignment of Patent Application. Thank you for your assistance in this matter.

Assistant Commissioner for Patents  
Page 2  
March 23, 2006

Respectfully submitted,

OFFICE OF THE ATTORNEY GENERAL  
STATE OF MISSISSIPPI

A handwritten signature in cursive script, reading "Larry A. Schemmel", is written over a solid horizontal line.

Larry A. Schemmel  
Special Assistant Attorney General  
Registration No. 40,801  
Attorney of Record

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MAR 23 2006

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

19

Application Number

10/791,310

Filing Date

03/01/04

First Named Inventor

Ezekwe, Michael O.

Art Unit

1855

Examiner Name

Susan B. McCormick-Ewoldt

Attorney Docket Number

2004-01

## ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment/Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/Incomplete Application
- ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation
- ☐ Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) \_\_\_\_\_
- ☐ Landscape Table on CD

- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):

## Remarks

Response to an Office communication dated 03/03/2006 regarding a Non-Compliant Amendment Document

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Signature

Printed name

Larry A. Schemmel

Date

3-23-06

Reg. No.

40,801

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Larry A. Schemmel

Date

3-23-06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DOCKET NO. 2004-01

CONFIRMATION NO. 3527

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: MICHAEL O. EZEKWE, ET AL.

SERIAL NO.: 10/791,310

FILING DATE: MARCH 1, 2004

FOR: FOOD COMPOSITIONS COMPRISING WATERLEAF LEAVES AND METHODS  
OF USING THEREOF

ART UNIT: 1655

EXAMINER: McCORMICK-EWOLDT, SUSAN BETH

**AMENDMENT AND RESPONSE**

ASSISTANT COMMISSIONER FOR PATENTS  
P. O. BOX 1450  
ALEXANDRIA, VA 22313-1450

SIR:

This Response initially is in response to an Office communication dated 03/03/2006 regarding a Non-Compliant Amendment Document pursuant to instructions provided by the Office communication from and a telephone conversation with an Office Legal Instruments Examiner on March 6, 2006. Applicants respectfully request acceptance of the enclosed modified Amendment and Response to the Office Action dated August 24, 2005, to comply with the Office's instructions and the requirements of 37 CFR §§ 1.121 or 1.4, and all other original documents received by the Office on February 22, 2006. Pursuant to the instructions provided

and so that a complete listing of all of the claims is present, that Claims 30 and 31 are present, and that the Claims are not on the same page as the statement, the modified Amendment and Response will show the section entitled "IN THE CLAIMS" to begin on a new page separate from the opening statement paragraphs (old Page 2 / new Page 4) and the statement section entitled "REMARKS" to begin on a new page separate from the Claims (old Page 6 / new Page 8).

This Amendment and Response is submitted in answer to the Office Action dated August 24, 2005, which set a three-month period for response, making such response due on or before November 24, 2005. Applicants respectfully petition for a three (3) month extension of time for filing a response in connection with the present application. A Request for Extension of Time for three (3) months is attached hereto and incorporated herein by reference, along with the required fee of \$510.00, thereby extending the date for response from November 24, 2005, to February 24, 2006. Thus, this Amendment and Response is considered timely filed on or before February 24, 2006. Entry of the Amendment and Remarks is respectfully requested.

Applicants also respectfully submit an amendment in the form of a Petition to Correct Inventorship pursuant to 37 CFR § 1.48 to amend and correct the inventorship in this application for patent. The Petition requests that Edith I. Ezekwe be added to the list of inventors. The Petition, Statement of Edith I. Ezekwe that the error in inventorship occurred without deceptive intent on her or any other individual's part, a new Declaration signed by all inventors pursuant to 37 CFR § 1.63, the processing fee of \$130.00 under 37 CFR § 1.17(i), and the written consent of the assignee by Statement Under 37 CFR § 3.73(b), are attached hereto and incorporated herein by reference. Also attached hereto are an original additional Power of Attorney and a copy of an additional Assignment of Patent Application, whereby Edith I. Ezekwe has assigned her rights to

the invention to the assignee, Alcorn State University. The original of this additional Assignment will be sent separately to and duly-recorded in the proper USPTO office, similar to the assignment document concerning the three originally-named inventors that has been duly-recorded in said office. Entry of this Petition and supporting documentation is also respectfully requested.